

**Lewis County Planning Commission
Public Meeting
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**July 12, 2011
Meeting Notes**

Planning Commissioners Present: Bob Guenther, Bill Russell, Richard Tausch, Arny Davis

Planning Commissioners Absent: Mike Mahoney, Jim Lowery

Staff Present: Glenn Carter, Bob Johnson, Lynn Deitrick, Jerry Basler, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from June 28, 2011
- Proposed Draft Code Changes, Chapter 5.17, 17.300, 16.02, 17.145
- Staff Reports on Rezone Requests

I. Call to Order

Chairman Russell called the meeting to order at 7:01 p.m. The Commissioners introduced themselves.

II. Old Business

A. Approval of the meeting notes from June 28, 2011

The Chair entertained a motion to approve the meeting notes. Commissioner Guenther made the motion, Arny Davis seconded. The motion carried.

B. 3rd Workshop on Rezone Requests

Mr. Basler stated no written comments had been received on any of the rezone requests.

Chairman Russell asked if there were any comments from the Planning Commissioners. Commissioner Guenther stated he wanted to make sure it was in the record what the intention of the land owners was for their land: how many units they wanted and what their desires were. One gentlemen was asking for 5 units on his land; he was asking for less development on his land than what the 1 in 5 would let him do and he would like to hold them to their word if that is possible.

The Planning Commissioners wanted to look at each map and application again to make a recommendation on each request.

Application #1 – Herbrand Company (MSC10-0117): requesting Mineral Resource Land from Agricultural Resource Land. Commissioner Guenther liked the fact that this would be mined level rather than leaving a rock pit. He was in favor of granting the request. The other commissioners agreed.

The Commissioners decided to go through each application, make a recommendation on each, and the Letter of Transmittal would reflect the decision on each application.

Application #2 – Jill Hartman (MSC10-0118): requesting ARL to RDD-5. This application consists of 18 acres on the Forest-Napavine Rd. There is RDD-5 zoning on the north and the east sides.

Commissioner Guenther remembered that Ms. Hartman wanted to put one additional house on the property; there is only one area that will accommodate another house and he stated he is okay with that.

Mr. Basler stated there is a home on the site at this time. The property has prime soils if drained and a soils report was submitted that states the soils have not been drained. There have been no changes made nearby, such as subdivisions, and rezoning this parcel would interrupt the ARL corridor. Staff's recommendation was to keep this as ARL.

Commissioner Davis asked if this was too steep to farm. Mr. Basler stated farming was not considered – it has never been farmed. There is a small nursery on the site. The owner wants to subdivide to put one more single family residence on the property. Mr. Basler stated there is a gas line that runs from north to south on the eastern portion that does put some constraints on the property.

Mr. Guenther stated he does not remember any hill there and testimony indicated there is a lot of swamp land because it has not been drained.

Chairman Russell had a concern that re-designating this might create a spot zone. Commissioner Davis asked if there was any other designation that would allow the owner to put another home on the property. Mr. Basler stated not in ARL. Commissioner Davis stated he understood why there are rules in place but he would like the zoning to be changed. Commissioner Tausch agreed.

Chairman Russell also agreed. He stated the purpose of coming in at a later date was to provide an affidavit that the property was not drained. Regarding spot zoning, he struggled somewhat. He was not too concerned about interrupting the ag corridor; this entire area needs to be rezoned. It is not ag land.

Mr. Basler stated if they go with RDD-10 there is a one-time exemption that they could use to split it. Chairman Russell asked if RDD-10 would indeed create a spot zone. He thinks it would be better to take it out of ag altogether with the affidavit stating the soils are not prime since they are not drained.

Mr. Johnson stated technically it would not be a spot zone if it is zoned RDD-5 because of the adjacent RDD-5 zoning. If it was zoned RDD-10 it would create a spot zone.

It was the consensus of the Commissioners to recommend that this be changed to RDD-5.

Application #3 – Port of Chehalis (MSC10-0119): requesting RDD-5 to Rural Area Industrial (RAI), which is a Type III industrial LAMIRD. The properties in question are all around the current RAI where there is already industrial use occurring. It is not likely that the property would ever become residential and the

Port would like the use to be more conforming with what is already there. There are some lots to the south but they have not been developed.

Staff recommends re-zoning; all the commissioners agreed.

Application #4 – Packwood Lumber (MSC10-0102): requesting Small Town Mixed Use from Small Town Industrial. Mr. Basler stated the two sites to be re-designated will eventually be combined with a boundary line adjustment (BLA). The owners would like to put workforce housing on the smaller area and in the future look at the larger piece. Staff agreed with this and recommended the change.

Chairman Russell stated in the next several years if a large organization wanted to come in, the zoning could be changed back.

Mr. Basler stated staff recommended the BLA be done within six months or so after approval. Chairman Russell would like a caveat that if the rezone is approved that the applicant starts the BLA within a reasonable length of time and if that is not done the applicant will need to reapply. The Commissioners agreed.

Application #5 – Norman Gastfield (MSC10-0103): requesting 50 acres to go from ARL to RDD-5. This property is surrounded by ARL; the soils report shows that the soils have not been drained and it is too steep to farm. The owner would like to subdivide into 5 lots.

Staff recommends keeping this as ARL because of spot zoning, and there have been no changes in the area around the property.

Chairman Russell asked if there was anything that can be done to facilitate the owner's goals on this property. Mr. Basler stated the one-time exemption would not help him and RDD-10 would not help him.

Commissioner Guenther stated Mr. Gastfield did talk about only 5 home sites and keeping the rest as open space as much as possible. If there was a way to accommodate Mr. Gastfield, he would like to do that.

Mr. Basler stated the owner may have an idea of what he wants to do but if he moves on and someone else has the property, they can do whatever they want with the way it is zoned.

Chairman Russell stated the county building code would not allow a lot of houses to be put there and he felt that Mr. Gastfield was being realistic with what he wanted to do; however Chairman Russell was struggling with taking this out of ag because of the surrounding zoning.

Commissioner Guenther would like assurance that this could not be changed from the owner's original request.

Commissioner Davis stated rezoning this would definitely create a spot zone and he would like Mr. Gastfield to get some neighbors involved to rezone their property as a group. He agrees with staff to keep it as ARL.

The Commissioners voted three to one to keep it as ARL.

Mr. Basler stated he has talked with the owners who have land in ARL to encourage them to talk to their neighbors to go in as a group and ask for rezoning.

Application #6 – Joan Rambo (Remand 173): requesting ARL to RDD-5. The owner stated the soils on this property were depleted because of Christmas trees. Future plans are to develop it and there is development to the west of it. Staff recommends leaving it as ARL.

Chairman Russell asked if the soil is considered prime. Commissioner Russell did not understand why the BOCC remanded this back.

Commissioner Tausch did not think this would be considered a spot zone because of its boundary with RDD-5, and most of it is not drained.

Commissioner Russell asked if there was an affidavit that the property is drained or not drained. Mr. Basler stated the property is not drained.

Mr. Carter stated it needs to be determined exactly what the soils are. The soils map states they are prime but a submission says it is prime if drained. Chairman Russell stated the manual that the Planning Commission had to use states that this land is prime soil. Mr. Basler stated that was correct.

Commissioner Guenther stated this is next to RDD-5 and he would recommend changing the designation.

Commissioner Tausch asked if the Planning Commission is entitled to consider higher and more intense uses and if so this property has an assessed value of \$6500 per acre and that indicates a higher and better use.

Mr. Carter stated that is one of the concerns. Going back to the ARL process, there were ten or eleven factors to consider and prime soils was just one. Also to consider was the parcelization, the size of the parcels around it, land values, permit history and tax status. All of those needed to be taken into account and if land is de-designated, the same process must be used. Soils are not the only issue; there are the other factors he just named.

Commissioner Russell asked for a vote and the Commissioners voted to rezone it to RDD-5.

That concluded the workshop on the rezones. Commissioner Russell asked for a motion for the preparation of the Letter of Transmittal.

Commissioner Guenther made a motion to have staff prepare a Letter of Transmittal on the six applications for rezone. Commissioner Tausch seconded. The motion carried.

C. 1st Workshop on Draft Code Changes, Chapter 5.17, 17.300, 16.02, 17.145

Mr. Deitrick stated there are four code amendments to consider. They are not revisions to any section; they are new additions.

Chapter 5.17 and 17.300 relate to special events permitting. Chapter 16.02 is regarding utility lots and Chapter 17.145 is regarding fences, specifically height and location.

Mr. Johnson stated the events codes have been considered for many years. About 5 years ago the BOCC adopted regulations for the the abatement of nuisances but there is a large hole left regarding activities that take place in the rural areas that are not consistent with county code. A big issue that the BOCC has struggled with is how to bring people into compliance on things like illegal subdivisions and buildings without any meat in the ordinance to do so. The nuisance ordinance does not do that adequately and the penalties for violation of county code are a nuisance to the property owners themselves but they don't create deterrents to doing those kinds of those things or to encourage people to comply with the regulations.

Mr. Johnson and Mr. Carter have looked to see what other counties are doing and they crafted this draft ordinance that appears to do what the BOCC would like; namely put some meat into the ordinances that specifically relate to land use and uses of property that are not consistent with the zoning and health laws attached to building and development codes. These are addressed in Chapter 17.300 Compliance ordinance.

The other Chapter is 5.17 that addressed special events permitting. The county has an ordinance on events but it is only relevant to music festivals. There have been a number of events in the past that the county has been unable to address as to health and safety issues because the ordinance for music festival has holes in it. The problem with an events ordinance is there are legitimate events that take place and the BOCC does not want to penalize those activities. As long as those make an effort to address the basic health and safety issues such as water, food handling, sanitation, traffic control, they have not been an issue. As the county becomes a focus for people who are finding it difficult to have their events in other areas, they come here, and in the last few years there have been problems with people complying with the county's requirements. This is intended to address the basic issues without unduly penalizing ongoing legitimate activities.

The BOCC has asked that the Planning Commission look at these and suggest changes that might work better and come back with a recommendation later in the year.

Mr. Deitrick stated there will be another workshop on the code changes, maybe a couple more. The memo from the BOCC asks that we work on it and get public comment. We are looking at some time this year to get it back to them; it should not be pushed through.

Another code amendment is for Utility Lots. This is to allow for things such as Public Works being able to do road improvements and not have to buy 5 or 10 acre or larger lots to put in detention facilities. It puts a burden on the county to buy a whole parcel of land.

The code amendment regarding fencing is to allow conditions for fences to exceed 6 feet in height on the rear and sides of property lines.

Commissioner Davis stated he is pleased to see the fence amendment. He was not in favor of the 6 foot rule.

Mr. Johnson stated if anyone sees something in the events ordinance that might be detrimental to pre-existing activities and there might be a better way to do it to please forward it. The big issue has always come down to how to equitably regulate the new folks coming in without having the old folks comply with the same types of requirements. You cannot subject one class of people to one requirement and another one to a different requirement.

Chairman Russell stated 5.17.10 "Purpose" could be cleaned up if the first four lines were omitted and the section starts with "The purpose is to provide for the issuance of a special event...." The rest can go somewhere else if it is necessary. On page 7 towards the bottom, number 2, could read "the responsible official has the authority to place conditions on the special event permit." There are several other places where this could apply.

Commissioner Davis stated he found some areas that could be cleaned up or clarified, also.

III. Calendar

The next meeting was scheduled for July 26. Chairman Russell stated he would not be able to attend and he thought a couple of the other commissioners could not attend, either. He suggested ensuring a quorum before the meeting is held.

IV. Good of the Order

No one wished to speak.

V. Adjourn

A motion was made and seconded to adjourn. Adjournment was at 8:13 p.m.

